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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,512	10/15/2003	Gary A. Solomon	10559-842001 / P16868	5241

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EXAMINER

SUGENT, JAMES F

ART UNIT	PAPER NUMBER
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2116

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/687,512

Applicant(s)

SOLOMON ET AL.

Examiner

James F. Sugent

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,11,13,14,21,23,28 and 30 is/are rejected.
- 7) ☒ Claim(s) 2, 5-10, 12, 15-20, 22, 24-27 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is sent in response to Applicant's Communication received November 13, 2006 for application number 10/687,512 originally filed October 15, 2003. The Office hereby acknowledges receipt of the following and placed of record in file: amended claims 1-30.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 11, 13, 14, 21, 23, 28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Gutman et al. (U.S. Patent No. 7,137,018 B2) (hereinafter referred to as Gutman).

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claim 1, Gutman discloses a method comprising: initiating a transaction using a protocol (transaction layer protocol TLP or data link layer protocols using DLLPs) that directs packets (DLLP) based on physical location of a receiving device over a switching fabric (157 or 200) that directs packets based on path routing information in packets, by establishing a virtual link partner relationship between a first component (107 or 201) and a second component (111 or 203) coupled by a switching fabric, wherein the transaction is used in establishing a power management state of a given link that is shared by the first and second components, the power state of the first component transitions upon a transition of the power state of the second component (Gutman discloses an upstream component that transitions to a low power state L1 after a downstream component transitions to a low power state) (column 2, lines 23-61 and column 5, line 37 thru column 6, line 23 and column 6, line 47 thru column 7, line 16).

As to claim 3, Gutman further discloses the method wherein the protocol is the Data Link Layer Packet protocol (DLLP) and the switching fabric is a Peripheral Component Interconnect (PCI) fabric (column 2, lines 46-61 and column 6, lines 20-23 and column 11, lines 34-48 and column 11, line 59 thru column 12, line 2).

As to claim 4, Gutman further discloses the method wherein the transaction is for a protocol communication that assumes a point-to-point connection between link partners (column 2, line 62 thru column 3, line 14).

As to claims 11, Gutman discloses a computer program product residing on a computer readable medium for processing a packet comprises instructions to cause a computer to: initiate a transaction by a first component (107 or 201) to a second component (111 or 203) over a switching fabric (157 or 200) that requires routing information (transaction layer protocol TLP or

Art Unit: 2116

data link layer protocols using DLLPs), wherein the transaction is used in establishing a power management state of a given link that is shared by the first and second components, the power state of the first component transitions upon a transition of the power state of the second component (Gutman discloses an upstream component that transitions to a low power state L1 after a downstream component transitions to a low power state); and establish a virtual link partner relationship between the first component and the second component in response to the initiated transaction (Gutman further discloses an upstream device "connecting" to a downstream device) (column 2, lines 23-61 and column 5, line 37 thru column 6, line 23 and column 6, line 47 thru column 7, line 16).

As to claim 13, Gutman further discloses the computer program product wherein the instructions to initiate the transaction is the Data Link Layer Packet protocol (DLLP) and the switching fabric is a Peripheral Component Interconnect (PCI) fabric (column 2, lines 46-61 and column 6, lines 20-23 and column 11, lines 34-48 and column 11, line 59 thru column 12, line 2).

As to claim 14, Gutman further discloses the computer program product wherein the transaction is for a protocol communication that assumes a point-to-point connection between link partners (column 2, line 62 thru column 3, line 14).

As to claim 21, Gutman discloses a network system comprising: a switching fabric (157 or 200) that requires routing information in packets (DLLPs) that traverse the fabric; a first component (107 or 201); a second component (111 or 203) that communicates with the first component over the switching fabric by a protocol (transaction layer protocol TLP or data link layer protocols using DLLPs) that is absent routing information with the first component and the

Art Unit: 2116

second establishing a virtual link partner relationship to communicate using the protocol (Gutman further discloses an upstream device “connecting” to a downstream device), wherein the transaction is used in establishing a power management state of a given link that is shared by the first and second components, the power state of the first component transitions upon a transition of the power state of the second component (Gutman discloses an upstream component that transitions to a low power state L1 after a downstream component transitions to a low power state) (column 2, lines 23-61 and column 5, line 37 thru column 6, line 23 and column 6, line 47 thru column 7, line 16).

As to claim 23, Gutman further discloses the system wherein the protocol is the Data Link Layer Packet protocol (DLLP) and the switching fabric is a Peripheral Component Interconnect (PCI) fabric (column 2, lines 46-61 and column 6, lines 20-23 and column 11, lines 34-48 and column 11, line 59 thru column 12, line 2).

As to claim 28, Gutman discloses a network system comprising: a pair of network components ([107 or 201] and [111 or 203]); a switching fabric (157 or 200) coupling the network components, the switching fabric of the type that requires routing information in packets (transaction layer protocol TLP or data link layer protocols using DLLPs) that traverse the fabric to couple the components and with the second component establishing a virtual link partner relationship to communicate using the protocol, wherein the transaction is used in establishing a power management state of a given link that is shared by the first and second components, the power state of the first component transitions upon a transition of the power state of the second component (Gutman discloses an upstream component that transitions to a low power state L1 after a downstream component transitions to a low power state) (Gutman further discloses an

Art Unit: 2116

upstream device "connecting" to a downstream device) (column 2, lines 23-61 and column 5, line 37 thru column 6, line 23 and column 6, line 47 thru column 7, line 16).

As to claim 30, Gutman further discloses the system wherein the protocol is the Data Link Layer Packet protocol (DLLP) and the switching fabric is a Peripheral Component Interconnect (PCI) fabric (column 2, lines 46-61 and column 6, lines 20-23 and column 11, lines 34-48 and column 11, line 59 thru column 12, line 2).

Allowable Subject Matter

Claims 2, 5-10, 12, 15-20, 22, 24-27 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to James Suent whose telephone number is (571) 272-5726. The Examiner can normally be reached on 8AM - 4PM.

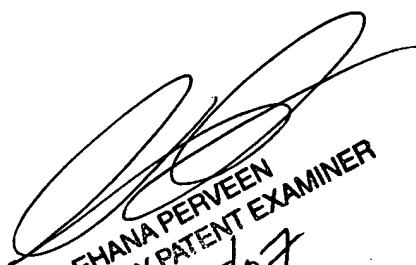
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rehana Perveen can be reached on (571) 272-3676. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 2116

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

James F. Sugent
Patent Examiner, Art Unit 2116
January 23, 2007


REHANA PERVEEN
SUPERVISORY PATENT EXAMINER
1/25/07